

\*\*E-filed 12/22/06\*\*

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7 SIGNS HAWAII

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

11 MICHAEL ARBSLAND,

12 Plaintiff,

13 v.

14 SOUTHWEST SIGNS, THE HOME  
15 DEPOT, INC.; AND DOES 1-100,

16 Defendants.

17 SOUTHWEST SIGNS, LLC,

18 Cross-Complainant,

19 v.

20 THE HOME DEPOT, SIGNS HAWAII,  
21 SIGN ART, L. MORIGUCHI, INC.,  
22 AND DOES 1 through 50, inclusive,

23 Cross-Defendants.

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Case No. C06-04191 PVT

**STIPULATION TO CONTINUE DATE  
ON WHICH SIGNS HAWAII MAY  
FILE RESPONSIVE PLEADING TO  
CROSS-COMPLAINT OF  
SOUTHWEST SIGNS, LLC;  
[PROPOSED] ORDER THEREON**

ADLER LAW GROUP  
350 So. Figueroa St., Suite 557  
Los Angeles, California 90071

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**STIPULATION TO EXTEND TIME TO RESPOND TO CROSS-COMPLAINT; [PROPOSED] ORDER**

1 IT IS HEREBY STIPULATED by and between defendant and cross-plaintiff  
2 Southwest Signs, LLC ("Southwest") and cross-defendant Signs Hawaii that Signs  
3 Hawaii shall have an additional 30 days, i.e., from December 20, 2006 until January 19,  
4 2007 to file any responsive pleading to the cross-complaint filed by Southwest Signs.

5 Good cause exists for this continuance as follows:

6 1. Signs Hawaii notified its counsel of the cross-complaint on December 13,  
7 2006, only one week prior to the deadline to file a responsive pleading.

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2. Counsel for Signs Hawaii plans to file a motion to dismiss the cross-complaint as well as a motion to transfer venue under 28 U.S.C. 1404(a). Doing so requires counsel to analyze its client's file, which it has not yet received. Counsel, in addition, needs to obtain declarations as well as documents from various parties to support its responsive pleadings. Counsel for Signs Hawaii, notwithstanding its diligence, has thus far been unable to do so due to the scant time presently allowed to file a responsive pleading.

IT IS SO STIPULATED.

DATED: December 19, 2006

ADLER LAW GROUP  
ERWIN E. ADLER  
ELIZABETH A. SULLIVAN

By: Elizabeth A. Sullivan

Attorneys for Cross-Defendant, Signs Hawaii

DATED: December 19, 2006

CESARI, WERNER & MORIARTY  
DENNIS F. MORIARTY  
ANDREW S. WERNER  
JOSE A. MONTALVO

By: Andrew S. Werner

Attorneys for Defendant and Cross-Complainant, Southwest Signs, LLC

IT IS SO ORDERED.

DATED: 12/20/06

Hon. D. Jeremy Fogel  
Judge of the United States District Court  
for the Northern District of California

**PROOF OF SERVICE**  
(State and Federal Court)

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Los Angeles in the office of a member of the bar of this court at whose direction the service was made. My business address is the Adler Law Group, 350 So. Figueroa Street, Suite 557, Los Angeles, California 90071.

On December 20, 2006, I served the following document(s):

STIPULATION TO CONTINUE DATE ON WHICH SIGNS HAWAII MAY FILE  
RESPONSIVE PLEADING TO CROSS-COMPLAINT OF SOUTHWEST SIGNS, LLC;  
[PROPOSED] ORDER THEREON

☒ **BY MAIL** by depositing in the United States Postal Service mail box at 350 So. Figueroa Street, Suite 557, Los Angeles, California 90071, a true copy thereof in a sealed envelope with postage thereon fully prepaid and addressed as follows:

☐ **BY OVERNIGHT COURIER** by depositing in the facility regularly maintained by [COURIER SERVICE and address], a true copy thereof in a sealed envelope with delivery fees fully provided for and addressed as follows:

☐ **BY FACSIMILE** by transmitting a facsimile transmission a copy of said document(s) to the following addressee(s) at the following number(s), in accordance with:

☐ **BY PERSONAL SERVICE** by delivery of a copy of said document(s) to the following addressee(s) as follows:

Andrew S. Werner, Esq.  
Cesari, Werner & Moriarty  
Dennis F. Moriarty  
Jose A. Montalvo  
360 Post Street - #500  
San Francisco, CA 94108

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**December 20, 2006**

  
DIANE DE ANDA